



May 9, 2025

VIA ECF

Re: Objection to Opt Out Procedures, *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724 (E.D. Pa.)

Dear Judge Rufe:

I am writing on behalf of Centene Corporation to formally object, pursuant to Fed. R. Civ. P. 23, to approval of the settlement based on certain aspects of the opt out procedures in the EPP Sandoz Settlement. On behalf of my client, after reasonable investigation and on good-faith belief, I declare under penalty of perjury under the laws of the United States of America that Centene Corporation, its subsidiaries who have assigned their claims to Centene Corporation, and New York Quality Healthcare Corporation d/b/a Fidelis Care, who authorized Centene Corporation to opt out on its behalf, are members of the Settlement Class. This objection is being made on their behalf, on behalf of any other entity related to Centene that is purportedly covered by the release, and on behalf of other class members.

Centene Corporation has properly opted out of the settlement on behalf of itself and all its subsidiaries. As part of this process, Centene's subsidiaries assigned their claims related to this settlement to Centene Corporation. We maintain that no additional requirements can be imposed without violating Centene's due process rights, which only requires providing adequate notice. *See In re Linerboard Antitrust Litig.*, 233 F.R.D. 357 (E.D. Pa. 2004); *In re TFT-LCD (Flat Panel) Antitrust Litig.*, 37 F. Supp. 3d 1102, 1105-06 (N.D. Cal. 2014). To the extent any conditions are required to opt out the entities identified by Centene beyond what Centene has performed, Centene objects to the approval of the settlement as those conditions violate due process and are unfair.

While we maintain that the procedures for Administrative Services Only (ASO) entities cannot and do not apply to Centene's ability to opt out subsidiaries, Centene has followed these procedures for certain subsidiaries. This compliance should not, however, be construed as consent to those procedures. Centene objects to these procedures to the extent they are required of any Centene subsidiary as unnecessary, unfair, and in violation of Centene's due process rights.

Centene also objects to any interpretation of the settlement's broad release provisions that would affect its claims, as it properly opted out. The release should not be construed to impact Centene's or Fidelis Care's claims based on its association with entities that did not opt out or assign their claims to Centene. A release cannot extend to entities for whom an entity has no legal authority to exercise its rights. For instance, the Settlement purports to require class members to release "their past and present parents, subsidiaries and affiliates ... as well as any current and former officers, directors, employees, attorneys, stockholders, principals, managers, partners, members, agents, representatives, trustees, insurers and owners thereof." ECF 3253-2 at 10. But a subsidiary lacks legal authority to release a past or present parent, a principal, or any affiliated entity. At minimum, to the extent this release is enforced so broadly as to permit affiliated or subsidiaries to release parents or vice versa, a parent, like Centene, should be permitted to equally



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broadly opt out all affiliates or subsidiaries without additional requirements. Having validly exercised their opt-out rights, Centene and Fidelis maintain all their claims regardless of any relationship with non-opted out entities.

Provided our opt-out request is accepted in full, and the release is not construed to bar claims of any entity opting out, Centene recognizes that it will not be a Settlement Class Member upon entry of final judgment and its objection may be deemed moot.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman E. Siegel".

Norman E. Siegel
Counsel for Centene Corporation

On behalf of:

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